Additional comments in Docket 07-52 and 08-7 (filed in both dockets per Commission-established multiple-docket filing rules).

NETWORK MANAGEMENT AND SCALABILITY:

Various other commenters are chiming in on this issue as I speak. Some of them are arguing that the growth of the net makes network management necessary, but that has been proven wrong by the Internet growth itself.

In 1993, very few people even knew of the Internet, but that is about when the first World Wide Web servers began to appear. Once people saw what the web could do, they came on in droves. That meant exponential growth almost immediately, and that growth continues to this day, but have we seen any degrading of service? Certainly not. Maybe on this site or that site, and sometimes something at the server level of the site will kick in and the site will 'crash' as it is termed in the Internet community, but by and large the Internet infrastructure 'self-polices' itself without intervention from humans, or ISPs. It scales itself up, by the ISPs and site administrators adding more equipment, but is that not the case already with cellphone (CMRS) providers? Is that not the case with land-line telephony? Everyone who uses a lnadline or cellular pays a phone bill, and some of that cost goes to extending the network further and adding products and services to the betterment of the end user experience. That is a prime reason why the various oppositions to the regulation of network management fail on the merits.

Here's a case in point on how a website used network management practices in the early days on its own, recognizing the problems that heavy use of it caused the day the site went public. We all saw the news story.

The site is familysearch.org. In March 1999, a live beta test of it went online. 2 million hits were received that first day. Testing continued, and finally in late May of that year a press conference was held and many news stories were generated that day about the site. The site was overwhelmed by 100 million hits, and went down.

So what was the solution? The site, on its own, without intervention of the ISP although I am sure the ISP assisted in the effort. as well as other programmers that were working on this, created for the first time a 'gateway' which when the site was overwhelmed, would tell you how far in the queue you were to get access to the site. You saw a countdown timer on the page. They may have done it in concert with the ISP community, but it was the site itself that did the managing, not the ISP. It worked, I was able to use the site during this time as often the timer only had one to three minutes on it, saw 17 minutes once, but when that was seen I did something else until it came my turn.

That only was needed for less than two weeks. I have never seen the countdown clock again although the site traffic has increased since.

The Internet is 'scalable', and since then many millions more websites have come on. Large companies, governments, and other concerns have put up heavily-trafficed website services, anywhere from airlines which get millions of hits a day, travel services, etc., and have been the engine which drives the economy. I would note that 'network management' as alleged in the complaints about Comcast and those that engage in throttling user's access to websites, as well as website owner's ISPs, is most definitely illegal in that it inhibits free speech as outlined by the First Amendment to the Constitution, and to leave network management practices that favor one website and its users over any other is illegal under the constitution. An ISP may also favor one user over another, or one website any user may connect to over the other for the same reasons, as long as the traffic and content are lawful.

Network management as alleged by some Comcast users and others also violates many international treaties involving free trade, and other interstate commerce laws held up as constitutional by the court system.

Now how can ISPs, site owners, and users be brought together to find solutions to the problems?

1. The FCC must as a matter of law prohibit network management practices as described in the various complaints acknowledged and further alleged in this proceeding.

2. The FCC should work with ISPs to establish a regulatory schema which would allow for certain types of temporary network management procedures that do not discriminate against even one user of any one website, and that all web users have equal access to all websites at any one time.

3. Establish a framework for law enforcement to use network management practices to further the needs of law enforcement, such as shutting down illegal sites, such as pornography, gambling, illegal drugs, computer 'botnets' that spew spam, sites that promote terrorism or other homeland security risks and issues, and other things like the sale of counterfeit goods (seen a watches site spam lately?), without degrading network performance to end users.

4. Require all ISPs to set up a 'system status' page on their websites to indicate network congestion, and even speeds at which their users are connecting, as at times there are issues that cause bona fide slowing of traffic that cannot be under their control. This is true of cable and some DSL connections. Sometimes one neighborhood will have alot of users on at once and that does cause throughput issues, and by having monitoring schema that allow for the end user to check a site and see the causes of the slowing, this will allow for legitimate, full-network management by all as outlined

above, and oft-times the end users themselves will opt to wait a short time before going to retrieve or upload content.

The FCC already does this, saw this when preparing to file these comments.

If the ISP finds a spam botnet computer, they should by all means be able to sever the connection temporarily, and work with the user to get the PC or system cleaned up so as to stop the spam from going any further, and that will solve those issues. Most end users would welcome this.

5. Create a complaints area on FCC.gov that will take complaints about slowed speeds, etc., and the FCC can then make inquiries about the causes to the end user and his/her ISP, and if it is found that the ISP throttled or shut down a user then appropriate Commission sanctions (TBD) should then be applied to the ISP.